

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KENT DOWDY,

Plaintiff,

VS.

COLLEGE OF THE MAINLAND, *et al.*,

Defendants.

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CIVIL ACTION NO. H-09-2452

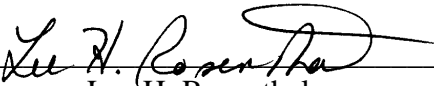
ORDER OF PENDING DISMISSAL

Service of this action, filed on July 31, 2009, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The plaintiff must file proof of service no later than December 4, 2009. Failure to do so may lead to the dismissal of this case. The initial pretrial conference set for November 20, 2009 is canceled. Assuming that service is effected timely, the conference is reset to **February 26, 2010, at 9:00 a.m.** The joint discovery case management plan is due by **February 16, 2010**. Counsel for plaintiff must provide notice of these dates to the defendant.

SIGNED on November 17, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge